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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

772490100035

First Named Inventor

John Jeffrey Waldman

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

LIQUID CONTROL STRUCTURE

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**DECLARATION — Utility or Design Patent Application**Direct all correspondence to: ☐ Customer Number:  OR ☒ Correspondence address below

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

John Jeffrey

Family Name

or Surname  
WaldmanInventor's  
Signature*John Jeffrey Waldman*

Date

11/21/03

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**NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventor

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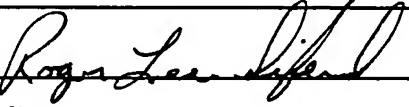
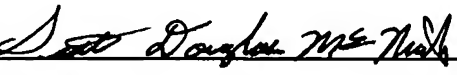
Country

US

Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental SheetPage 1 of 1

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Waldman et al.  
Application No. : Not Yet Assigned  
Filed : Even Date Herewith  
Group Art Unit : Not Yet Available  
Examiner : Not Yet Available  
Entitled : **LIQUID CONTROL STRUCTURE**

**DECLARATION OF LORRI W. COOPER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby declare as follows:

1. I am the attorney of record for the above-noted application.
2. A Petition to Make Special is concurrently filed in connection with the application seeking special status based upon Environmental Quality considerations.
3. The present application is directed to a fluid control structure which may be used for purposes of field drainage and ground water control in agricultural applications. For example, the claimed structure may be used to maintain a water table level within a field or an animal feed lot. As a result, the flow control structure may be utilized to control nitrate releases into the ground water.

4. Nitrates are generated, *inter alia*, in livestock manure, especially from animal feed lots, and from fertilizer used in farming. Nitrates are very soluble. As a result, they easily migrate into the ground and water. (Exhibit 1).

5. On information and belief, it is advantageous to maintain nitrates in fields in order to serve the purposes of fertilizing the soil and providing nutrients to crops.

6. When nitrates are not maintained in the fields or animal feed lots in which they originate, nitrates may flow into the ground water. Elevated nitrate levels in ground water pose a risk to human health. (Exhibit 1).

7. As a result, the United States Environmental Protection Agency ("EPA") has established a limit on the amount of nitrates that may be safely present in ground water. The limit is currently set at 10 PPM. (Exhibit 1).

8. The EPA is in the process of reviewing its guidelines to strictly limit the amount of pollutants, including nitrates, that enter natural waterways through agricultural drainage applications. (Exhibit 2).

9. Safe and clean groundwater is a continuing goal of the EPA, as evidenced by the EPA's National Water Program Strategic Plan 2004-2008 -- Goal 2. (Exhibit 3).

10. On information and belief, the flow control structure of the present application may be used by farmers to adjust water elevations in fields. By maintaining the water level in fields, nitrates are deterred from flowing into the ground water and are maintained in the field, where they serve a beneficial purpose, described above in paragraph 5, *supra*. The invention is useful in deterring the flow of nitrates into ground water, thereby promoting ground water that is free from high levels of nitrates. At the same time, the invention helps to maintain fertile fields for agricultural purposes.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

CLI-1135057v1

these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code, and that such willful false testimony may jeopardize the validity of the application or any patent issuing thereon.

11/25/03  
Date

Lorri W. Cooper  
Lorri W. Cooper Reg. No. 40,038

Attorney for Hancor, Inc.